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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,522

10/01/2003

Wayne T. Mansell

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12/29/2005

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,522

Applicant(s)

MANSELL ET AL.

Examiner

X L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/02/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Objections*

2. Claim 30 is objected to because of the following informalities: "cutomized" (line 5) should be changed to --customized--. Correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

It is not clear what applicant means by "...display...wherein the text, icons, or a combination thereof." It looks like essential elements are missing in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 2, 4, 6-12, 15-21 and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by *Uchida* (US 2001/0026291 A1).**

**Claims 2 and 10:**

Uchida discloses a navigation apparatus 30 that is mounted in a vehicle (fig. 2; p. 5, pg. 0082, 0084) and that may be designed so that the user is enabled to customize the area menu data (p. 5, pg. 0085). Uchida teaches that the customized menu is unique to a particular user (p. 6, pg. 0095). Uchida teaches a CPU that functions as a menu controller and a menu selector and controls the operation of the navigation system (p. 4, pg. 0068).

Claims 4, 15 and 26:

Uchida teaches menu selection items that are selectively in the form of text (fig.3-6).

Claims 6, 16 and 27:

Uchida teaches that users may select a default menu (standard non-customized menu) or a customized menu (fig. 3; p. 2, pg. 0019-0022).

Claims 7 and 17:

Uchida teaches a navigation system mounted in a vehicle; the system may be connected to a portable telephone, which communicates with a server and a computer. Uchida teaches that the navigation system is designed so that the user customizes the menu (p. 5, pg. 0079, 0082-0085; p. 8, pg. 0119).

Claims 8 and 18:

See claim 7. Uchida teaches a personal computer connected to the navigation system (fig. 2; p. 8, pg. 0118).

Claims 9 and 19:

See claim 7. Uchida teaches a handheld device connected to the navigation system (fig. 2; p. 8, pg. 0120).

Claims 11 and 21:

See claim 2. Uchida teaches components controlled by the controller (p. 6, pg. 0088, 0092-0094).

Claim 12:

Uchida teaches an input unit having a variety of keys and button (actuators) used for operations necessary for the navigating operations (p. 5, pg. 0075).

Claim 20:

See claim 2. Uchida teaches a vehicle having a display for displaying a menu, an input device and a controller for controlling operations of the vehicle (fig. 1; p. 4, pg. 0067).

Claim 28:

See claim 8. See further: p. 5, pg. 0079, 0082-0085; p. 8, pg. 0119; fig. 2.

Claim 29:

See claim 9. See further: p. 5, pg. 0079, 0082-0085; p. 8, pg. 0119, 0120; fig. 2.

Claim 30:

See claim 2. Uchida teaches menu selection items that are associated with a respective function and with are directed execute (action message) a command for controlling a component (target) of the vehicle (p. 6, pg. 0092-0095).

Claim 31:

Uchida teaches a menu that can be customized by the user according to his preferences (p. 5, pg. 0085; p. 6, pg. 0095).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 3, 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uchida* and *Jobs et al* (US 6,686,938 B1).**

**Claim 1:**

Uchida discloses a navigation apparatus 30 that is mounted in a vehicle (fig. 2; p. 5, pg. 0082, 0084) and that may be designed so that the user is enabled to customize the area menu data (p. 5, pg. 0085). Uchida teaches that the customized menu is unique to a particular user (p. 6, pg. 0095). Uchida does not teach that items of the menu can be grouped to avoid having seldom-used objects. However, Jobs discloses a graphical user interface having menu tools that enable users to group objects that are commonly used in a menu (abstract; col. 4, lines 46-50, 60-62; col. 5, lines 40-67; col. 6, lines 1-12; col. 9, lines 3-14, 45-48, 65-67). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Uchida's menu structure to include Jobs' teaching of grouping objects of a menu because as Jobs says, "the GUI may become more

repetitive with some menu items being used relatively infrequently...menu use may become tiresome with infrequently used menu items being in the way of the task at hand.”

Claims 3 and 14:

See claims 1 and 2. Uchida/Jobs teaches a customized menu having only menu selection items, which the user intends to use.

Claim 32:

See claim 1. Uchida teaches fixed menu information but it does not teach shortcuts pointing to fixed menu items. However, Jobs teaches menu items that can be customized by the user. Jobs teaches icons that provide shortcuts to applications that can be invoked by the user by using an input device (col. 3, lines 61-67).

9. **Claims 5, 37 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uchida and Bergeron et al* (US 6,246,410 B1).**

Claim 5:

See claim 1. Uchida teaches menu selection items that are identified by menu labels (figs. 5-6) having content associated with a particular action (function) to be performed when the item is selected (p. 4, pg. 0072; p. 5, pg. 0085; p. 6, pg. 0092-0093). Uchida does not teach that the menu labels may be customized



according to user's preferences. However, Bergeron discloses a method for customizing graphical user interface elements. Bergeron teaches that users may change an icon's label (col. 5, lines 49-61; col. 6, lines 27-63). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Uchida's interface to include Bergeron's teaching of customizing menu items according to user's preference because users are provided with tools for changing the look of menu items in accordance to what the user considers most appropriate for his taste and/or needs.

Claims 37, 40 and 41:

See claim 5. Uchida teaches menu selection items that are selectively in the form of text (fig.3-6). Bergeron teaches menu labels that may be customized according to user's preferences (col. 5, lines 49-61; col. 6, lines 27-63).

Claim 42:

Bergeron teaches that users may select an alternative name for a menu item (col. 6, lines 27-63).

Claims 43 and 45:

Bergeron teaches that users may drag text labels from a list onto a menu item (col. 6, lines 56-58).

Claim 44:

Bergeron teaches icons that may be selected from a group of available icons (col. 6, lines 43-47).

Claim 46:

See claim 5. Uchida/Bergeron teaches menu selection items that are selectively in the form of text (Uchida: fig.3-6).

Claims 47 and 48:

Bergeron teaches functions that are programmably assigned to menu objects (col. 7, lines 33-54).

Claim 49:

See claim 1. Uchida teaches a personal vehicle control system having a graphical user interface and menu structure (fig. 2; p. 5, pg. 0082, 0084, 0085; p. 6, pg. 0095). Bergeron teaches functions that are programmably assigned to menu objects (col. 7, lines 33-54).

**10. Claims 13, 24, 33-36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uchida* and *Rice* (US 5,345,226).**

Claim 13:

See claim 2. Uchida does not teach a component having one actuator and one environmental control module. However, discloses an environmental control system

having a user interface that is programmable and has a menu structure (abstract; col. 1, lines 9-13, 21-28). The system provides a user control (actuators) with a small number of positions that can be easily operated by any user (col. 2, lines 1-65) and a plurality of modules (col. 3, lines 10-68). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uchida's system to include Rice's teaching of environmental control modules because as Rice says, the user interface minimizes the number of control movements and the time required to obtain specific control objectives and is as user friendly and easy to learn as possible.

Claim 24:

See claim 13. Uchida/Rice teaches a system having environmental control modules.

Claim 33:

See claim 13. Uchida/Rice teaches a personal vehicle having a user interface that is integrated and programmable.

Claim 34:

Uchida teaches that the navigation system having a display is mounted on the vehicle (fig. 2; p. 5, pg. 0084, lines 1-3).

Claim 35:

Uchida teaches a handheld device connected to the navigation system (fig. 2; p. 8, pg. 0120).

Claim 36:

Uchida teaches a personal computer connected to the navigation system (fig. 2; p. 8, pg. 0118).

Claim 38:

See claim 33. Rice teaches that functions may be programmably assigned by the user (col. 11, lines 43-61).

Claim 39:

Uchida teaches menu selection items that are selectively in the form of text (fig.3-6).

**11. Claims 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uchida* and *Littlejohn et al* (US 5,003,000).**

Claims 22 and 25:

See claim 2. Uchida does not teach a vehicle component being a motor for driving a drive wheel and the menu being used for controlling the motor. However, Littlejohn discloses a personal transport vehicle that has motor driven wheels, a mounted joystick, a control panel having a display and push buttons. Littlejohn

teaches that control signals from an input such as a joystick can be modified in accordance to user's preferences (col. 1, lines 57-65; col. 2, lines 39-66; col. 3, lines 7-25). Thus, it would have been obvious to one ordinarily skilled in the art at the time of invention to modify Uchida's system to include Littlejohn's teaching of a vehicle having an interface for controlling components such as motor driven wheels because it enables severely injured or impaired users to easily control the vehicle and adapt the interface for manipulating the vehicle in accordance to his needs or disabilities.

Claim 23:

See claim 22. Littlejohn teaches a microprocessor that is connected to and controls drivers, which are connected to actuators (col. 3, lines 55-58; col. 4, lines 8-26).

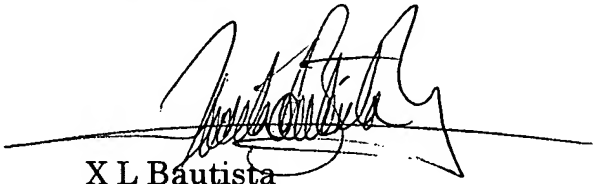
***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
Art Unit 2179

xlb  
December 20, 2005